

**Carlos Hernández**  
Mayor

**Vivian Casáls-Muñoz**  
Council President

**Jose F. Caragol**  
Council Vice President



Council Members  
**Katharine Cue-Fuente**  
**Isis Garcia-Martinez**  
**Paul B. Hernández**  
**Lourdes Lozano**  
**Carl Zogby**

## City Council Agenda October 23, 2018 7:00 P.M.

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Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Garcia-Martinez

### **MEETING GUIDELINES**

*The following guidelines have been established by the City Council:*

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

## PRESENTATIONS

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- Presentation by Hialeah Police Chief Sergio Velazquez of Certificates of Appreciation to Sergeant Ramiro Del Nodal, Detective Roque Goitia, Detective Luis Salas, Alexis Barrios and Detective Katherine Montenegro, for apprehending a Cat Bugler who has been an issue in our City since 2007. Because of their hard work, the offender was sentenced to thirty years in prison for four committed burglaries and sentenced to life in prison for an armed burglary. (POLICE DEPT.)

## 1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

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## 2. CONSENT AGENDA

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All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the Council Meeting held on October 9, 2018. (OFFICE OF THE CITY CLERK)
- B. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same storage and service rates, and renew the contract with GRM Information Management Services of Miami, LLC, for a period of one (1) year commencing on August 31, 2018 and ending on August 31, 2019, and further request permission to issue a purchase order to this vendor, for the service of off premise storage of City records for fiscal year 2018-2019, in a total cumulative amount not to exceed \$26,900. On June 11, 2013 the City Council awarded Hialeah Bid # 2012/13-8500-60-025 – Off Premise Storage of City Records to this vendor, lowest responsive bidder, for a period of five (5) years ending on August 31, 2018. (OFFICE OF THE CITY CLERK)
- C. Request permission to renew Hialeah Bid No. 2015/16-2000-12-021- *Medical Supplies*, with the following vendors: **Bound Tree Medical, LLC, Quadmed, Inc., Concordance Healthcare Solutions LLC, and Henry Schein, Inc.**, for a period of twelve (12) months, beginning on October 1, 2018 and ending on September 30, 2019, in a total cumulative amount not to exceed \$120,000. On October 25, 2016 the City Council awarded Hialeah Bid No. 2015/16-2000-12-021- *Medical Supplies* to several vendors, including these three vendors, for a period of twelve (12) months, beginning on October 1, 2016 and ending on September 30, 2017, with the option to renew for an additional twelve (12) month period up to a cumulative total of thirty-six (36) months. (FIRE DEPT.)

- D.** Request permission to issue a purchase order to Scan2Us, LLC, sole source vendor, for citywide service and maintenance of the current electronic document system through September 30, 2019, in a total cumulative amount not to exceed \$21,000. (INFORMATION TECHNOLOGY)
- E.** Proposed resolution authorizing the application for, and the acceptance of, a State Aid to Libraries Operating Grant from the Florida Department of State, Division of Library and Information Services, for the fiscal year 2018-2019, in an amount based on the City Library's operating expenses for fiscal year 2016-2017 and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter in a State Aid to Libraries Grant Agreement. (LIBRARY)
- F.** Proposed resolution approving the expenditure totaling an amount not to exceed forty-five thousand dollars (\$45,000.00) from the Law Enforcement Trust Fund – *State*, for the rental of vehicles, from Royal Rent-A-Car Systems of Florida, Inc., Vendor #21162, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2019, and issue a purchase order to General Mow, LLC d/b/a GroundKeepers, for the maintenance of Sector 1, in a total cumulative amount not to exceed \$54,240. (STREETS)
- H.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2019, and issue a purchase order to General Mow, LLC, d/b/a Groundkeepers, for the maintenance of Sector 2, in a total cumulative amount not to exceed \$79,000. (STREETS)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2019, and issue a purchase order to VisualScape, Inc., for maintenance of Sector 3, in a total cumulative amount not to exceed \$83,998. (STREETS)
- J.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2019, and issue a purchase order to VisualScape, Inc., for the maintenance of Sector 4, in a total cumulative amount not to exceed \$114,900. (STREETS)
- K.** Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2019, and issue a purchase order to Mystic Garden LLC, for the maintenance of Sector 5, in a total cumulative amount not to exceed \$66,590. (STREETS)
- L.** Proposed resolution approving the Library's Annual Plan of Service for fiscal year 2018-2019 for submittal to the State Library of the State of Florida in order to maintain eligibility as a recipient of State and Federal Funds. (LIBRARY)
- M.** Request from Florida National University, located at 4425 West 20<sup>th</sup> Avenue, Hialeah, Florida, for a Temporary Street Closure Permit, for the 2<sup>nd</sup> Annual Human Trafficking Awareness Walk, beginning at the West Gate of Florida National University located on West 20<sup>th</sup> Avenue, making a right on 44<sup>th</sup> Place, traveling eastbound for 0.4 of a mile until West 16<sup>th</sup> Avenue, making a right at the traffic light and travel from West 44<sup>th</sup> Place to 42<sup>nd</sup>

Place, making a right at the Shell Gas Station into West 42<sup>nd</sup> Place traveling westbound, making a right on West 18<sup>th</sup> Avenue for 0.2 miles until the traffic light on the intersection of West 44<sup>th</sup> Place and 18<sup>th</sup> Avenue, and lastly making a left traveling westbound until the entrance of the University, on Thursday, January 31, 2019 with the education portion of the walk commencing at 10:15 a.m. and the actual walk commencing at approximately 11:00 a.m., subject to the recommendations of the Hialeah Police Department and the Hialeah Fire Department. (OFFICE OF THE CITY CLERK)

- N. Request permission to cancel the City Council meeting of December 25, 2018 in observance of the Christmas holiday. (OFFICE OF THE CITY CLERK)
- O. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to R.J. Behar & Company, Inc., for the design of N.W 102<sup>nd</sup> Avenue from 142<sup>nd</sup> to 145<sup>th</sup> Place, in a total cumulative amount not to exceed \$93,393. On June 8, 2010, the City Council approved the recommendations of the Selection Committee for the selection of General Consultants for engineering services in response to Request for Qualifications No. 2009/10-9500-00-07 – General Consultants for Engineering and Architectural Services, which included this vendor, for a period of three (3) years, with the option to extend annually for a total of no more than five (5) years.

### 3. ADMINISTRATIVE ITEMS

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- 3A. Second reading and public hearing of proposed ordinance approving a partial release and modification, in the form attached as Exhibit “1”, from the Declaration of Use and Covenant-in Lieu of Unity of Title recorded on November 16, 2017, in Official Records Book 30758, at Page 3898, binding upon the property located at 445 East 25<sup>th</sup> Street, Hialeah, Florida; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING)

<i>Item was approved on first reading by the City Council on October 9, 2018.</i>
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- 3B. Second reading and public hearing of proposed ordinance approving the third renewal of a ground lease with CCTM2, LLC, a Delaware limited liability company, to lease a site located at O’Quinn Park, 6051 West 2 Avenue, Hialeah, Florida, to use a wireless communications facility on a 100-foot high monopole tower for a term of five years, beginning on April 30, 2017 and ending on April 30, 2022 for a base annual rent of \$57,011.33 for the first year of the renewal period, with an annual increase of 5% each year, together with such rights and duties as more fully described in the ground lease, and granting non-exclusive access for ingress, egress and utilities in connection with the continued operation and maintenance of the communications tower; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was approved on first reading by the City Council on October 9, 2018.</i>
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- 3C.** First reading of proposed ordinance releasing and vacating the right of way at 7615 West 8 Avenue, Hialeah Florida that traverses land bounded on the north by West 77 Street and on the south by West 76 Street, legally described as a portion of West 76 Street, lying southerly and adjacent to Lot 2, Block 1, Kelly's Oaks, according to the plat thereof, as recorded in Plat Book 106 at Page 61, of the public records of Miami-Dade County, Florida, located within Section 25, Township 52 South, Range 40 East, Miami-Dade County, Florida, consisting of approximately 4301 square feet; as depicted in Exhibit "1", reserving unto the City a 10 foot wide utility easement of approximately 1,189 square feet legally described as the south 10.00 feet along the West 76 Street, lying southerly and adjacent to Lot 2, Block 1, Kelly's Oaks, according to the plat thereof, as recorded in Plat Book 106 at Page 61, of the public records of Miami-Dade County, Florida, located within Section 25, Township 52 South, Range 40 East, Miami-Dade County, Florida, as depicted in Exhibit "2"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)
- 3D.** First reading of proposed ordinance amending Chapter 2, "Administration", Article II, entitled "Departments, Offices and Divisions", to elevate the divisions of retirement and library to departments, by amending Division 8. "Finance Department", Section 2-237 "Finance Director" to remove retirement from the administrative responsibilities of the Director of Finance; deleting Section 2-238 "Retirement Division" and creating a new Division 19. entitled "Department of Retirement", adding Section 2-538 "Created" and Section 2-539 "Retirement Director"; amending Division 13. "Education and Community Services Department", amending section 2-417 "Director of Education and Community Services" to remove operation of the library system from the administrative responsibilities of the Director of Education and Community Services, deleting Section 2-418 "Divisions", and creating a new Division 20. entitled "Department of Public Libraries" adding Section 2-540 "Created", Section 2-541 "Director of Public Libraries"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)

#### **4. BOARD APPOINTMENTS**

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#### **5. UNFINISHED BUSINESS**

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#### **6. NEW BUSINESS**

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## 7. COMMENTS AND QUESTIONS

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### ZONING

#### Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

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##### *Attention Applicants:*

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

- PZ 1.** Second reading and public hearing of proposed ordinance granting a variance permit to allow 654 parking spaces where 863 spaces are required contra to Hialeah Code of Ordinances § 98-2189(16)(a); property zoned CR (Commercial Residential District). **Property located at 435 Hialeah Drive, Hialeah, Florida** previously granted a special use permit pursuant to Hialeah Fla., Ordinance No. 2015-47 that allowed a mixed use development; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on September 26, 2018.</i>
<i>Planner's Recommendation: Approve subject to parking management plan.</i>
<i>Owner of the Property: Masuud Shojae (Shoma Retail), 29 Sevilla Avenue, Suite 360, Coral Gables 33134.</i>
<i>Registered Lobbyist: Felix Lasarte, 3250 NE 1<sup>st</sup> Avenue, Suite 334, Miami, Florida.</i>
<i>Item was approved on first reading by the City Council on October 9, 2018.</i>

- PZ 2.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a waiver of the minimum landscape requirements for trees; contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph (C) Trees. **Property located at 1000 SE 8 Street, Hialeah, Florida** zoned M-1 (Industrial District); repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on September 26, 2018.</i>

<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Meuchadim of Florida LP, 6100 Hollywood Blvd., Suite 709, Hollywood, Florida 33014.</i>
<i>Item was approved on first reading by the City Council on October 9, 2018.</i>

**PZ 3.** First reading of proposed ordinance rezoning from C-2 (Liberal Retail Commercial District) to R-3-4 (Multiple Family District); and granting a variance permit to allow the construction of a multifamily building on a substandard lot with a frontage of 50 feet, where 75 feet are required and a total lot area of 6,628 square feet, where 7,500 square feet is the minimum required; allow a front setback of 10 feet, where 25 feet is the minimum required; allow 5 feet east side setback, where 10 feet is the minimum required; allow 54% lot coverage, where 30% is the maximum allowed; and 26% pervious area, where 30% is the minimum required; all contra to §§ 98-348(a), 98-589, 98-590, 2056(b)(1) and (b)(2). **Property located at 620 West 29 Street, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 10, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Daniel Abreu; (29 SW LLC), 14011 SW 20<sup>th</sup> Street, Miami, Florida 33175</i>

**PZ 4.** First reading of proposed ordinance, granting a variance permit to allow a building height of 65 feet, where 45 feet is the maximum allowed, contra to Hialeah Code of Ordinances § 98-1601(d); **property located at 9100 West 40 Avenue Hialeah, Florida.** Property zoned (Industrial District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 10, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: RELP Beacon Logistics, LLC., 2020 Salzedo Street, Coral Gables, Florida 33134.</i>
<i>Registered Lobbyist: Jose M. Jimenet, 2020 Salezedo Street, Coral Gables, Florida 33134.</i>

### **FINAL DECISION**

**FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2018-09 that granted an adjustment on the property located at **758 West 34 Street, Hialeah, Florida**; and providing for an effective date.

*Item was approved by the Planning and Zoning Board on September 26, 2018.*

*Planner's Recommendation: Approval with conditions.*

*Owner of the Property: Jorge L. Guzman, 758 West 34<sup>th</sup> Street, Hialeah, Florida 33012.*

## **LAND USE**

**LU 1.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning" Article V. "Zoning District Regulations", Division 26 "TOD Transit Oriented Development District" and in particular amending Section 98-1550 entitled "Hialeah Market Station Subdistrict", of the Code of Ordinances of the City of Hialeah, by extending the eastern boundary **of the TOD Market Station Subdistrict** from the CSX Railroad Tracks to NW 37 Avenue; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date.

*Item was approved on first reading by the City Council on October 9, 2018.*

**NEXT CITY COUNCIL MEETING: Tuesday, November 13, 2018 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 27, 2018 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing

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impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).